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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/029,904	12/21/2001	Jani Mantyjarvi	324-010816-US(PAR)	5117

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PERMAN & GREEN
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FAIRFIELD, CT 06824

EXAMINER

JONES, SCOTT E

ART UNIT	PAPER NUMBER
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3713

DATE MAILED: 09/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/029,904

Applicant(s)

MANTYJARVI ET AL.

Examiner

Scott E. Jones

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3. 6) ☐ Other: _____

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: On page 3, the brief description of the drawings for figures 4 and 5 state the figures illustrate how the acceleration and proximity sensors are used in a terminal, however, all the figures illustrate are block diagrams for the system.

Correction is required.

Claim Objections

2. Claims 1, 2, 3, 9, 10, 11, 12, 13, 14, 15, 16, 22, 23, 24, 25, and 26 are objected to because of the following informalities:

- In claims 1, 2, 3, 9, 10, 11, 12, 13, 14, 15, 16, 22, 23, 24, 25, and 26, Applicant uses the phrases “the terminal” and “the terminal displays” interchangeably. Applicant should use consistent terminology throughout the claims.
- In claims 12 and 25, the acronym “OTM” including all other acronyms must be written in full form at least once in the claim so that the scope of the claims can be readily ascertained.
- Claim 14 is objected to under 37 C.F.R. 1.75 because the preamble is not in standard U.S. practice. A semicolon should follow the word comprising in line 1.

Correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. In claim 1, line 6, and claim 14, lines 7-8, the phrase, "the motion and/or location..." is unclear. The phrase "and/or" renders the claim indefinite because one having ordinary skill in the art would be unable to ascertain whether the language following the phrase "and/or" is part of the claimed invention.

Claims 2-13 and 15-26 inherit the deficiency of claims 1 and 14, respectively.

6. Claims 2 and 15 recite the limitation "the shooting game" in line 1. There is insufficient antecedent basis for this limitation in the claim.

7. Claims 3 and 16 recite the limitation "the archery game" in line 1. There is insufficient antecedent basis for this limitation in the claim.

8. Claims 4 and 17 recite the limitation "the stretching force" in line 1. There is insufficient antecedent basis for this limitation in the claim.

9. Claims 4 and 17 recite the limitation "the bow" in line 2. There is insufficient antecedent basis for this limitation in the claim.

10. Claims 4 and 17 recite the limitation "the archery game" in line 2. There is insufficient antecedent basis for this limitation in the claim.

11. Claims 5 and 18 recite the limitation "the stretching force" in line 1. There is insufficient antecedent basis for this limitation in the claim.

12. Claims 5 and 18 recite the limitation "the bow" in line 2. There is insufficient antecedent basis for this limitation in the claim.

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13. Claims 5 and 18 recite the limitation "the archery game" in line 2. There is insufficient antecedent basis for this limitation in the claim.

14. Claims 6 and 19 recite the limitation "the shooting game" in lines 1 and 2. There is insufficient antecedent basis for this limitation in the claim.

15. Claims 6 and 19 recite the limitation "the archery game" in line 2. There is insufficient antecedent basis for this limitation in the claim.

16. Claims 7 and 20 recite the limitation "the release" in line 1. There is insufficient antecedent basis for this limitation in the claim.

17. Claims 7 and 20 recite the limitation "the archery game" in lines 1 and 2. There is insufficient antecedent basis for this limitation in the claim.

18. Claim 8 and 21 recite the limitation "the user" in line 1. There is insufficient antecedent basis for this limitation in the claim.

19. Claim 8 and 21 recite the limitation "the release" in line 2. There is insufficient antecedent basis for this limitation in the claim.

20. Claim 8 and 21 recite the limitation "the shooting game" in line 2. There is insufficient antecedent basis for this limitation in the claim.

21. Claim 8 and 21 recite the limitation "the archery game" in line 2. There is insufficient antecedent basis for this limitation in the claim.

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22. The examiner has noted numerous deficiencies with the claims hereinabove. This list noted is not intended to be an exhaustive list of all informalities with the claims. The Office requests Applicant's assistance to correct all deficiencies with the claims including those noted above.

Claim Rejections - 35 USC § 102

23. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

24. As best understood by the examiner, claims 1, 10, 11, 14, 23, and 24 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Williams et al. (WO 99/22338).

Williams et al. discloses a portable computer including movement detection means (accelerometers) responsive to movement of the computer to produce an electrical output signal representative of the movement, processing means to determine detected movement data defining a user's intention, and processing means using the data to provide a mode response selected from a multiplicity of stored possible modes. Williams et al. discloses:

Regarding Claims 1 and 14:

- providing the terminal display with at least one virtual display (5), a display portion or an object (Fig. 1); and
- moving at least the virtual display, the display portion or the object on the display using the motion of the terminal or the motion and/or location of an object

proportioned to the terminal (Fig. 1, abstract, page 1, line 29-page 2, line 29, and page 6, lines 1-34).

Regarding Claims 10 and 23:

- the motion of the terminal is identified by means of acceleration sensors (Fig. 1, abstract, page 1, line 29-page 2, line 29, and page 6, lines 1-34).

Regarding Claims 11 and 24:

- the motion of the terminal is identified by proximity sensors (Fig. 1, abstract, page 1, line 29-page 2, line 29, and page 6, lines 1-34).

Conclusion

25. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Mantyjarvi et al. '318, Rudell et al. '219, Masuyama et al. '418, McCauley '021, Hayashida et al. '596, Eiliat et al. '974, Woolston '123, Ahdoot '727, Norton et al. '836, Zaenglein, Jr. '288, and Rehkemper et al. '238 disclose devices and methods for displaying information on game displays based upon signals obtained from motion/proximity sensors.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott E. Jones whose telephone number is (703) 308-7133. The examiner can normally be reached on Monday - Friday, 8:30 A.M. - 5:30 P.M..


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teresa Walberg can be reached on (703) 308-¹³²⁷~~1148~~. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

SEJ

sej


Teresa Walberg
Supervisory Patent Examiner
Group 3700